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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,	CR 11-20-BU-DWM
Plaintiff,	<u>OFFER OF PROOF IN</u>
vs.	<u>SUPPORT OF GUILTY</u>
JOHN WAYNE JORGENSEN,	<u>PLEA</u>
Defendant.	

Defendant JOHN WAYNE JORGENSEN has signed a plea agreement that contemplates his plea of guilty to Count I of the

Indictment in this case, which charges conspiracy to distribute 50 or more grams of a mixture or substance containing a detectible amount of methamphetamine in violation of 21 U.S.C. § 846. His plea of guilty will be unconditional.

Elements. In order to prove the case against Jorgenson at trial, the United States would have to prove the following elements beyond a reasonable doubt:

First, beginning in approximately September 2010, and continuing until approximately February 2011, there was an agreement between two or more persons to distribute methamphetamine; and

Second, the defendant became a member of the conspiracy knowing of its object and intending to help accomplish it.

The government would also have to prove beyond a reasonable doubt that the distribution of 50 or more grams of a mixture or substance containing a detectible amount of methamphetamine was within the scope of the defendant's agreement with his co-conspirators or reasonably foreseeable to him.

Proof. If called upon to prove this case at trial, and to provide a

factual basis for Jorgenson's plea, the United States would present, by way of the testimony of law enforcement officers and lay and expert witnesses, and the defendant's own statements, the following evidence.

The Missouri River Drug Task Force and the DEA have been investigating a methamphetamine-trafficking organization in the Bozeman area since approximately January of 2010. Jorgenson was identified during that investigation as a mid-level distributor affiliated primarily with Delano Sanchez, who previously was convicted and sentenced for his involvement in the conspiracy. Jorgenson occasionally traveled to the Spokane area with Sanchez to pick up methamphetamine and also distributed meth in Gallatin County.

On September 17, 2010, Jorgenson sold approximately 8.6 grams of actual methamphetamine to an individual in Bozeman. When the individual was later stopped by law enforcement the meth was seized and the individual provided information about Jorgenson. The individual tried to arrange another meth deal with Jorgenson on October 2, 2010 — 14 grams of meth for \$1,400 — but until recently law enforcement officers believed that Jorgenson took the money and

did not provide the drugs.

The government submits that the aforementioned evidence would prove beyond a reasonable doubt all the elements of the crime charged in Count I of the Indictment.

Respectfully submitted this 17th day of October, 2011.

MICHAEL W. COTTER
United States Attorney

/s/ Timothy J. Racicot
Assistant U.S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2011, a copy of the foregoing document was served on the following persons by the following means:

- (1,2) CM/ECF
- ☐ Hand Delivery
- ☐ U.S. Mail
- ☐ Overnight Delivery Service
- ☐ Fax
- ☐ E-Mail

1. Clerk, U.S. District Court
2. Herman A. Watson, III
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Bozeman, MT 59715-4796

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